UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

MAR 03 2005

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher Cary, Environmental Manager
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, Illinois 62526

Re: Finding of Violation
Archer Daniel Midland Co.
Decatur, Illinois

Dear Mr. Cary:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Archer Daniels Midland Company (ADM). U.S. EPA finds that ADM is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at its Decatur, Illinois facility.

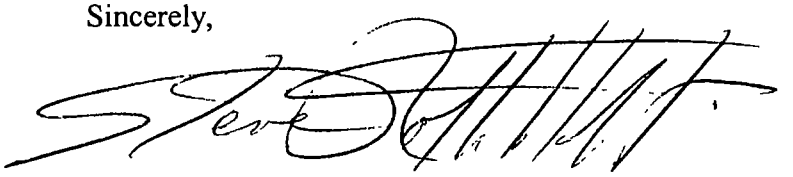
U.S. EPA has several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options that U.S. EPA selects may depend on, among other things, the length of time ADM takes to achieve and demonstrate continuous compliance with the rules cited in the FOV.

U.S. EPA is offering ADM an opportunity to confer about the violations alleged in the FOV. The conference will give ADM the opportunity to present information on the specific findings of violation, the efforts ADM has taken to comply, and the steps ADM will take to prevent future violations.

Please plan for the facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. ADM may have an attorney represent it at this conference.

The U.S. EPA contacts in this matter are Kathy Memmos and Constantinos Loukeris. You may call them at (312) 353-4293 and (312) 353-6198, respectively, to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. Any conference should be held within 30 calendar days of your receipt of this letter.

Sincerely,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Julie Armitage
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

John Justice, Regional Manager
Region 3
Illinois Environmental Protection Agency
2009 Mall Street
Collinsville, Illinois, 62234

U.S. Environmental Protection Agency
Region 5

IN THE MATTER OF:	)	
	)	
Archer Daniels Midland Co.	)	**FINDING OF VIOLATION**
4666 Faries Parkway	)	
Decatur, Illinois 62526	)	**EPA-5-04-IL-07**
	)	
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that Archer Daniels Midland Company (ADM) is violating Section 112 of the Clean Air Act (Act), 42 U.S.C. § 7412. Specifically, ADM is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pharmaceuticals Production at 40 C.F.R. Part 63, Subpart GGG as follows:

Regulatory Authority

1. Pursuant to Section 112 of the Act, 42 U.S.C. § 7412, the Administrator of U.S. EPA (Administrator) promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pharmaceuticals Production, codified at 40 C.F.R. Part 63, Subpart GGG.

2. The NESHAP for Pharmaceuticals Production was proposed on April 2, 1997 and became final on September 21, 1998. The owner or operator of an existing affected source must comply with the provisions of the NESHAP no later than October 21, 2002, as required under 40 C.F.R. § 63.1250(f)(1).

3. The NESHAP for Pharmaceuticals Production, at 40 C.F.R. § 63.1250(a), defines an affected source as manufacturing operations that: a) manufacture a pharmaceutical product; b) are located at a plant site that is a major source as defined in Section 112(a) of the Act; and c) process, use or produce Hazardous Air Pollutants (HAPs).

4. The NESHAP for Pharmaceuticals Production sets out Applicability provisions at 40 C.F.R. § 63.1250, Definitions at 40 C.F.R. § 63.1251, and General Standards at 40 C.F.R. § 63.1252.

5. The NESHAP for Pharmaceuticals Production provides Standards for Storage Tanks at 40 C.F.R. § 63.1253, Process Vents at 40 C.F.R. § 63.1254, Equipment Leaks at 40 C.F.R. § 63.1255, and Wastewater at 40 C.F.R. § 63.1256.

6. The NESHAP for Pharmaceuticals Production specifies Test Methods and Compliance Procedures at 40 C.F.R. § 63.1257, Monitoring Requirements at 40 C.F.R. § 63.1258, and Recordkeeping Requirements at 40 C.F.R. § 63.1259.

7. The NESHAP for Pharmaceuticals Production sets our Reporting Requirements at 40 C.F.R. § 63.1260, including, at 40 C.F.R. § 63.1260(f), that the owner or operator of an affected source submit a Notification of Compliance Status Report (NOCSR), within 150 days of the October 22, 2001 compliance date, demonstrating timely compliance with the applicable requirements set out above, and, at 40 C.F.R. § 63.1260(g), that the owner or operator of an affected source submit a Periodic report, within 240 days of due date of the Notification of Compliance Status Report, or as otherwise required.

8. The NESHAP, at 40 C.F.R. § 63.4(a)(1), provides that no owner or operator subject to the provisions of this part shall operate any affected source in violation of this requirement of this part except under an extension of compliance granted by the appropriate authority, and, at 40 C.F.R. § 63.4(a)(2), that no owner or operator subject to the provisions of this part shall fail to keep records, notify, report, or revise reports as required.

9. The NESHAP, at 40 C.F.R. § 63.6(e)(3)(i), requires the owner or operator of an affected source to develop and implement a written startup, shutdown and malfunction plan (SSMP) that describes, in detail, procedures for operating and maintaining the source during periods of startup, shutdown and malfunction and a program of corrective action for malfunctioning process and air pollution control equipment used to comply with the relevant standard.

Factual Background

10. ADM owns and operates a chemical plant at 4666 Faries Parkway in Decatur, Illinois 62526. In the Decatur West Complex at the plant, ADM has a manufacturing operation that produces vitamin E, a pharmaceutical product within the meaning of the NESHAP for Pharmaceuticals Production. The ADM Decatur plant site is a major source as defined in Section 112(a) of the Act. And, ADM uses HAPs at various stages of its pharmaceutical manufacturing process. Therefore, the ADM vitamin E manufacturing operation is subject to the requirements of the NESHAP for Pharmaceuticals Production at 40 C.F.R. Part 63, Subpart GGG.

10. On the January 19, 1999, ADM submitted an Initial Notification stating that it was evaluating applicability of the NESHAP for Pharmaceuticals Production at the Decatur plant.

11. On April 22, 2002, ADM submitted a Pre-Compliance Report stating that its vitamin C manufacturing operation at the Decatur plant was shut down, but that the vitamin C operation would be subject to the NESHAP for Pharmaceuticals Production if vitamin C production was resumed after the October 21, 2002, NESHAP compliance date.

12. ADM did not submit a Pre-Compliance Report regarding the vitamin E manufacturing operation at the Decatur plant and failed to determine whether the vitamin E manufacturing operation was subject to the requirements of the NESHAP for Pharmaceuticals Production at 40 C.F.R. Part 63, Subpart GGG, by the October 21, 2002, compliance date.

13. ADM failed to submit a NOCSR for the vitamin E manufacturing operation at the Decatur plant within 150 days of the October 21, 2002, compliance date.

14. ADM failed to submit a Periodic Report for the Vitamin E manufacturing operation at the Decatur plant within 240 days of due date of the Notification of Compliance Status Report.

15. On December 6 and 7, 2004, U.S. EPA conducted a NESHAP compliance inspection at ADM's Decatur, Illinois facility.

16. On December 10, 2004, ADM submitted a letter to U.S. EPA disclosing potential violations of the NESHAP for Pharmaceuticals Production.

Violations: General

17. ADM failed to correctly identify the vitamin E manufacturing operation at its Decatur, Illinois facility as being subject to the NESHAP for Pharmaceuticals Production. This is a violation of 40 C.F.R. §§ 63.4, 63.1250 and 63.1260.

18. ADM failed to identify storage tanks associated with the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4 and 63.1253.

19. ADM failed to choose a process vent compliance standard for HAP emissions regarding the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4 and 63.1254.

20. ADM failed to identify all components requiring Leak Detection and Repair (LDAR) monitoring per U.S. EPA Reference Method 21 or visual inspections regarding the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4 and 63.1255.

20. ADM failed to identify all points of determination and wastewater that required control regarding the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4 and 63.1256.

21. ADM failed to develop and implement a startup, shutdown and malfunction plan (SSMP) and a Maintenance Wastewater Plan (MWP) regarding the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.6(e)(3)(i) and 63.1256.

22. ADM failed to conduct performance testing on the vitamin E mineral-oil scrubber. This is a violation of 40 C.F.R. §§ 63.4 and 63.1257.

23. ADM failed to conduct initial compliance demonstrations on process condensers and on condensers acting as air pollution control devices regarding the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4 and 63.1257.

24. ADM failed to monitor the required parameters for the control devices used in the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4 and 63.1258.

25. ADM failed to choose and identify compliance options and maintain required records regarding the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4 and 63.1259.

26. ADM failed to submit a NOCSR and a Periodic Report(s) required to demonstrate ongoing compliance regarding the vitamin E manufacturing operation at its Decatur facility. This is a violation of 40 C.F.R. §§ 63.4, 63.1252 and 63.1260.

27. ADM operated an affected source in violation of the NESHAP for Pharmaceuticals Production, 40 C.F.R. Part 63, Subpart GGG. This is a violation of 40 C.F.R. §§ 63.4 and 63.1252.

3/3/2005

Date

Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-04-IL-07, by Certified Mail, Return Receipt Requested, to:

Christopher Cary, Environmental Manager
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, Illinois 62526

I also certify that I sent copies of the Finding of Violation by first class mail to:

Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

John Justice, Regional Manager
Region 3
Illinois Environmental Protection Agency
2009 Mall Street
Collinsville, Illinois, 62234

on the 4th day of March, 2005.

Shanee Rucker

Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1558 5748